

Subject: Temporary Severe Weather Policy

Effective Date: November 23, 2020 – June 30, 2021

Last Revised: 3/22/2021

To All City Employees:

I. Purpose

To establish guidelines for reporting to work, payment, volunteer work and operations during declared emergencies (disasters) or severe weather and during the period of disaster recovery.

This temporary policy supersedes HRM-730-5 until June 30, 2021.

II. Policy

It is the policy of the City of Durham to provide essential health and safety services during a severe weather event, disaster or emergency in a way that best promotes the welfare of the residents of Durham and demonstrates a commitment to the safety of all City employees. During such an event, certain City policies and procedures may be modified or suspended by the City Manager as necessary to provide essential health and safety services.

There are certain critical City government operations that cannot be suspended or interrupted, even in the event of declared emergencies. The following are considered critical City government operations:

- Law enforcement
- Fire safety
- Fleet Management
- Emergency Management Services
- Emergency Communications
- Water Management
- Communications

During declared emergencies or severe weather events, City services that are not immediately needed will be modified, delayed or suspended if, in the judgment of the City Manager, the provision of that service unnecessarily exposes the public or employees to undue risk.

III. Definitions

Disaster-Related Work – Tasks directly related to an emergency or disaster event or to recovery from that event. Disaster-related work may include the normal duties and tasks of some employees, particularly those in safety-sensitive positions (e.g. sworn law enforcement personnel, communications-related personnel [information and public relations], utility and public works workers, general service workers, etc.), but may require these employees to perform their normal tasks on a more intense basis.

Emergency/Disaster – Sudden unexpected event that creates much damage and/or suffering (severe weather is one example) or poses a risk of imminent danger. In the event of a declared state of emergency, the City Manager may modify or close City government operations.

Exempt – Employees who are not entitled to overtime pay pursuant to the Fair Labor Standards Act (FLSA).

Group 1 Employees – Employees who by nature of their jobs are required to report to work when a limited or modified service schedule is put into effect by the City Manager. These employees are scheduled to report to work in spite of or because of an emergency or disaster event. The City needs Group 1 Employees to perform their regular or exceptional duties during and immediately following a declared emergency or severe weather event, and employees needed may include those on a normal day off or on scheduled leave who are deemed critical to emergency operations.

Group 2 Employees – Employees who are not critical to emergency or disaster operations and/or response and who may be relieved from duty whenever a limited service schedule is put into effect by the City Manager. For the purposes of this policy, Group 2 employees who have the ability to work from home will be called **Group 2A**. Group 2 employees who are not able to work effectively from home, due to the nature of their work – not employee preference – will be called **Group 2B**.

Limited Service Schedule – City Hall, Recreation Centers and other buildings are open, but certain services are not available as determined by the City Manager.

Modified Service Schedule – City Hall, Recreation Centers and other buildings open at a time that is later than the regularly scheduled business day or close at an earlier time than the regularly scheduled business day as determined by the City Manager.

Non-Exempt – Employees who are entitled to receive overtime pay as provided in the Fair Labor Standards Act (FLSA). These employees must be compensated at the rate of time and one half their regular base pay rates for any time worked over 40 hours in one work week. Sworn police and firefighters who are in non-exempt positions are entitled to receive overtime pay for hours worked beyond those designated in their respective work cycles.

Not Scheduled to Work – Employees who, under normal, non-emergency conditions, would not be expected to report to work due to a routine day off or a scheduled leave day.

Normal Business Hours- Official business hours for City Hall are from 8:00 a.m. until 5:00 p.m.

Scheduled to Work – Employees who, under normal, non-emergency conditions, would

be expected to report to work to perform their normal duties.

Severe Weather – Heavy snow and/or ice, tornado, hurricane, heavy rain or related weather event.

Tour of Duty – The defined work schedule for an employee.

IV. Procedure

A. COMMUNICATIONS

The City Manager shall delegate members of the operations staff to conduct research to determine whether or not it will be advisable or feasible to declare City government open when inclement weather is forecasted or prevalent. Information about the weather will be gathered from many sources, including The National Weather Service, Emergency Management Services, AccuWeather, the news media, City discussions related to the potential for declaring a state of emergency, and from actual inspection of roads, facility driveways and sidewalks throughout the City. The findings will be reported to the City Manager, who makes the final decision to open, delay or close City government.

In the event of severe weather, emergency or a disaster, Deputy City Managers will contact Department Directors about the status of the organization. Directors are responsible for ensuring that employees in their departments receive the information – closure or delays – in a timely manner.

If the event occurs during:

Normal business hours:

- Directors will contact their staff as described above.
- An all-user email will be sent, along with a posting on the City Intranet site

Before or after normal business hours: Employees should check the following locations for up to date information:

- City of Durham Website front page
- Call Durham One Call at 560-1200 for a recorded announcement
- Media: WRAL-TV, WTVD-TV, DTN (Time Warner Cable Channel 8), along with the websites of these outlets

The decision to close City government or delay its opening will be made no later than 5 a.m. on the day in question and communicated as soon as possible to employees through the methods listed above. See Section D for emergencies arising after the start of the workday. Department Directors are also responsible for ensuring that appropriate records are maintained and that applicable FEMA records are completed in a timely manner.

B. GROUP DESIGNATIONS

Each Department Director is responsible for ensuring that information is appropriately communicated to employees within his/her department and for determining (in advance, whenever possible) which employees will be classified as Group 1 Employees under this policy.

1. Department Directors must notify each new hire of the substance of this policy. Upon hire, a severe weather designation form is executed in EPEP for each employee to assign the group 1 or group 2 designation. Once the supervisor completes the form; the new hire is alerted that the form is available for their signature.

2. Departments should avoid blanket predeterminations that all employees within a department or major division are considered Group 1 or Group 2. Department Directors, in consultation with the City Manager/Deputy City Manager, will determine to which group each employee or classification of employees will be assigned based on the required duties and the nature of the emergencies generally encountered.

3. Department Director must ensure that supervisors have completed the annual severe weather notification form for their direct reports in EPEP. This provides the employee a notice in writing informing them of their designation as Group 1 or Group 2. Except for sworn Police and sworn Fire personnel, Department Directors must reissue employee notifications on an annual basis, by no later than November 1 of each subsequent fiscal year. Sworn Police and sworn Fire personnel will automatically be designated as Group 1 annually; their initial notice of designation will serve as their only notice.

4. Employees should be aware that group designations can change temporarily or permanently, based upon the prevailing needs of the organization and the nature of the emergency. Department Directors should take care to evaluate the nature of the emergency and needed resources to maintain operations.

5. If an employee's designation changes following the initial annual designation completed in EPEP, the change should be documented with a new Notification of Designation Form. Departments must retain a copy of the changed designation in the department's file.

6. Department Directors must ensure employees acknowledge the annual designation form in EPEP by December 1.

7. Department Directors must maintain an up-to-date work status spreadsheet to determine how time should be keyed for employees during periods of closure.

C. DECLARED EMERGENCIES AND SEVERE WEATHER EVENTS – IN GENERAL

City employees are expected to report to work as normal and will be expected to sign for leave to account for any absence. Employees should inquire with their immediate supervisors for further information on their specific departmental responsibilities and duties during severe weather.

All employees, exempt and non-exempt, reporting to work during an emergency or disaster may be required to record time on a disaster record as well as regular timekeeping records (if applicable).

1. Group 1 employees will be compensated based on their exempt/nonexempt status. Employees designated Group 1 by their Department Director and/or the City Manager/Deputy City Managers will be required to work during a severe weather or emergency disaster. Group 1 employees receive the applicable base and overtime payment (subject to FLSA guidelines) when a limited service schedule is effected by the City Manager. No additional compensatory or management leave time is given during a limited or modified service schedule.

2. **Group 2A employees who are SCHEDULED TO WORK will be expected to work remotely**, but will be subject to liberal leave. This means that if the employee chooses not to work or they are otherwise unable to work they may use compensatory, management leave, vacation time, floating holiday (taken in full day increments only), **sick leave**, **COVID**, banked holiday or take leave without pay when an emergency/disaster occurs if they choose. **Group2A employees may not be granted Administrative Closing Leave.**

3. **Group 2B employees who are SCHEDULED TO WORK may be granted Administrative Closing Leave as determined appropriate by the City Manager, and this leave will not have to be repaid. Department Directors are encouraged to find meaningful work that these employees may be able to complete from home (EPEP, LMS, etc.).**

4. Part-time employees are not eligible for Administrative Closing Leave.

D. EARLY CLOSING

If an emergency situation arises after employees are at work, the City Manager may institute a modified service schedule to close City government offices early. Whenever an early closing has been authorized, all employees, except Group 1 employees, shall be permitted to leave their assigned duty stations prior to the close of the normal workday if both of the following conditions are met:

1. They are in a duty status when the notice of early closing is received.

2. Their regular work hours end after the hour given as the authorized time for early departure.

3. **They are not already working from home.**

The hours between the early dismissal time and the normal end of the business day shall be coded as Administrative Closing Leave for eligible Group 2 employees with the following exceptions:

1. An employee who previously requested and was granted leave for the entire day shall be charged leave for the entire day, regardless of the early closing.

2. An employee who, prior to the notice of early dismissal, requested and was granted leave for the remainder of his or her tour of duty shall be charged for leave for the requested hours, regardless of the early closing.

3. An employee who requests and is granted leave at any time after the receipt of the notice of early dismissal shall be charged leave only for that period when leave commences to the hour that the early dismissal is authorized.

4. An employee who requests and is granted leave prior to the notice of early dismissal, but who otherwise makes known his or her intention of returning to duty status at a time that precedes the end of his or her regular tour of duty, shall be charged leave only for the period of time specified.

Non-exempt Group 1 employees who are scheduled to work and who physically work in the 24-hour period of time that overlaps the early dismissal time shall be granted Administrative Closing Comp Time hour for hour for the total number of hours between the early dismissal time and the normal end of the business day with the following exceptions:

1. An employee who previously requested and was granted leave for the entire day shall be charged leave for the entire day, regardless of the early closing. **No Administrative Closing Comp Time will be awarded.**

2. An employee who, prior to the notice of early dismissal, requested and was granted leave for the remainder of his or her tour of duty shall be charged for leave for the requested hours, regardless of the early closing. **No Administrative Closing Comp Time will be awarded.**

3. An employee who requests and is granted leave at any time after the receipt of the notice of early dismissal shall be charged leave only for that

period when leave commences to the hour that the early dismissal is authorized. **No Administrative Closing Comp Time will be awarded.**

No additional compensation or leave will be awarded to exempt Group 1 employees.

E. DELAYED OPENING

If an emergency situation arises prior to normal duty hours, the City Manager may institute a modified service schedule to delay the opening of City government offices. Whenever a delayed opening has been authorized, all employees, except Group 1 and Group2A employees, shall be permitted to arrive at their assigned duty stations at the time given for the delayed opening.

The time between the normal business hours and the delayed opening time shall be coded as Administrative Closing Leave for eligible Group 2 employees with the following exceptions:

1. An employee who has the ability to work remotely is expected to begin work at their regularly scheduled time, regardless of the delayed opening.
2. An employee who previously requested and was granted leave for the entire day shall be charged leave for the entire day, regardless of the delayed opening.
3. An employee who, prior to the delayed opening, requested and was granted leave for some portion of his or her tour of duty shall be charged for leave for the requested hours, regardless of the delayed opening.

Non-exempt Group 1 employees who are scheduled to work and who physically work in the 24-hour period of time that overlaps the delayed opening time shall be granted Administrative Closing Comp Time for the total number of hours between the normal business hours and the delayed opening time with the following exceptions:

1. An employee who previously requested and was granted leave for the entire day shall be charged leave for the entire day, regardless of the delayed opening. **No Administrative Closing Comp Time will be awarded.**
2. An employee who, prior to the notice of delay, requested and was granted leave for some portion of his or her tour of duty shall be charged for leave for the requested hours, regardless of the closing; but Administrative Closing Comp Time should still be awarded as outlined above.

No additional compensation or leave will be awarded to exempt Group 1 employees.

F. CLOSING

In the interest of public safety, the City Manager may authorize the closing of all non-essential City government offices prior to the start of normal business hours. Whenever

a closing has been authorized, all employees, except Group 1 and Group 2A employees, may be given Administrative Closing Leave for the day with the following exceptions:

1. An employee who has the ability to work remotely is expected to work their regularly scheduled tour of duty, regardless of the closing.
2. An employee who previously requested and was granted leave for the entire day shall be charged leave for the entire day, regardless of the closing.
3. An employee who, prior to the notice of closing, requested and was granted leave for some portion of his or her tour of duty shall be charged for leave for the requested hours, regardless of the closing.

Non-exempt Group 1 employees who are scheduled to work and who physically work in the 24-hour period of time that overlaps the delayed opening time shall be granted Administrative Closing Comp Time for 7.5 up to a maximum of 8 hours based on their workweek schedule with the following exceptions:

1. An employee who previously requested and was granted leave for the entire day shall be charged leave for the entire day, regardless of the closing. No Administrative Closing Comp Time will be awarded.
2. An employee who, prior to the notice of closing, requested and was granted leave for some portion of his or her tour of duty shall be charged for leave for the requested hours, regardless of the closing. Administrative Closing Comp Time will only be awarded for the period of time the employee physically worked up to a maximum of 8 hours based on their workweek schedule.

Administrative Closing Comp Time granted can never exceed 8 hours for employees who have a standard work week of 40 hours or 7.5 hours for employees who have a standard work week of 37.5 hours.

No additional compensation or leave will be awarded to exempt Group 1 employees.

G. TRANSPORTATION

Transportation may be provided for Group 1 Employees when it is practical to do so. A Department Director may authorize employees to provide transportation in appropriate City equipment. With the approval of the City Manager's Office, Department Directors can authorize Group 1 employees to take City vehicles home for use during the emergency situation.

H. LODGING

Lodging and meals may be provided for Group 1 employees when necessary to keep an

essential function of City government operating during an emergency or disaster. The City Manager (or designee) may authorize a Department Director to provide lodging and meals for any workers required to remain at the work site or in close proximity to the work site during an emergency or disaster.

Supervisors should consult the Human Resources Department to receive appropriate FLSA information regarding compensation for Group 1 employees who are lodged.

I. REPORTING TO WORK

For Group 1 employees, failure to report to work as required under this policy is an offense that will result in disciplinary action.

For Group 2 employees, if call-in procedures are followed, paid compensatory, management or annual leave, **sick** or (if no appropriate paid leave is available) leave without pay may be used for modified or limited service schedule days when the employee does not report to work as required.

The Department Director is responsible for consistent application of discipline and appropriate use of leave for his/her department.

J. LEAVE STATUS

Employees who are NOT SCHEDULED TO WORK will remain on and be charged with appropriate leave according to the sections above if they are not called in to respond during the emergency or if they are unable to respond during the emergency. No additional leave is given to:

1. Group 2 employees who report prior to the scheduled opening or who report on limited service schedule days.
2. Employees who report to work when not required to do so.
3. Group 1 employees for working during regularly scheduled hours when a delayed or limited schedule may be in effect.

V. Other

1. Any employee may be required to work during a particular emergency and must report to work as required. If any Group 1 employees are not needed during an emergency, they may be temporarily designated Group 2 by the Department Director and will be able to use vacation or compensatory leave time to account for the absence.
2. Department Directors are encouraged to recognize employees who make additional effort and/or work additional hours and to celebrate those who provide excellent service during an emergency or disaster event.

3. Part-time employees are paid for hours worked only and are not generally Required to report to work during emergencies. Part-time employees who are expected to report during an emergency or disaster event will be given advance notice by their Department Director. **Part-time employees do not qualify for administrative closing leave; however, some part-time employees may still have COVID leave remaining and they can use this leave if requested and approved.**

4. During a disaster recovery period, the City may have groups of volunteers transported to major areas affected by the disaster to provide various services. The period of work and transporting will be treated as a regular work day. Employee volunteers will receive compensation based on their exempt or non-exempt status and their status as sworn law enforcement or fire, as indicated above.

5. Department Directors are responsible for ensuring that appropriate records are maintained and that applicable FEMA records are completed in a timely manner.

VI. Attachments

[Individual Notification of Designation-2017.pdf](#)